

### AMENDMENTS TO THE DRAWINGS

FIGs.3 and 11 have been amended in accordance with the Examiner's request and two corrected Replacement Sheets are appended herewith.

FIG.3 includes the "at least six degrees" subject matter (including angle  $\gamma$ ) referred to by the Examiner on Page 2 of the Office Action dated May 6, 2005.

FIG.11 includes element 10' as differentiated from element 10 as seen in FIG.4.

## REMARKS AND ARGUMENTS

### Amendments to the Specification

#### Objection to Claims 7 and 11

The Examiner has objected to claims 7 and 11 on the grounds that they do not encompass the elected embodiment.

Claim 11 has been withdrawn.

Applicants have amended claim 7 and corresponding language of the written description to better describe the subject matter of claim 7. The raised contour features are shown in FIG. 10a which was included in the original application. FIG. 10a is merely a bottom plan view of one embodiment of the cap element claimed in amended independent claims 1 and 13. The cap element (reference number 20) is shown in FIGs. 1, 2, 5, 6, 7, 8 and 9, all of which the Examiner has specified as embodying the Group I, Species I, Sub-species A, subject matter that Applicants have chosen to prosecute. Because the cap element is disclosed in the independent claims and the aforementioned figures that the Applicants have chosen to prosecute, FIG. 10a should be included as it shows the upstream side of the cap element.

#### Objection to Specification - proper antecedent basis

The Examiner has objected to the specification under 37 C.F.R. 1.75(d)(1) as failing to provide a proper antecedent basis for the "jet body", "water inlet" and "water passageway" set forth in claims 1 and 13, the subject matter in claim 6, and the "at least 25 degrees"

and "at least 6 degrees" matter set forth in claims 12 and 16.

Applicants submit that antecedent basis may be found in the written description portion of the specification as amended for the "jet body" and "water inlet" features in at least the following paragraphs: [0015] and [0036], respectively.

The term "water passageway" has been amended to read "channel" for which antecedent basis can be found in at least [0036].

The subject matter of claim 6 is mentioned several times throughout the written description and is illustrated in at least FIGs.7 and 8.

An antecedent basis for the "at least 25 degrees" and "at least 6 degrees" set forth in claims 12 and 16 can be found in at least paragraphs [0046] and [0047] and FIG.4.

Applicants submit that a proper antecedent basis has been provided for the subject matter specified by the Examiner.

#### Objection to the Disclosure - informality

The Examiner objected to the disclosure due to the apparent double assignment of reference number "30". Applicants have amended the disclosure to cure the apparent error. Reference number "30" now uniformly refers to a "venturi sleeve".

#### Objection to Amendment - introduction of new matter

The amendment filed on April 4, 2005, was objected to under 35 U.S.C. 13 as introducing new matter into the disclosure. Although Applicants disagree with the

Examiner's characterization of the amendment as new matter, the disclosure has been amended to facilitate prosecution of the elected claims.

#### **Objections to the Drawings**

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a). Applicants have amended the drawings in accordance with the Examiner's request.

FIG.3 has been amended to more clearly illustrate the "at least 6 degrees" subject matter as set forth in claims 12 and 16. Angle  $\gamma$  which is disclosed in paragraphs [0046] and [0047] of the written description is now shown in FIG.3. Applicant submits that no new matter has been added as angle  $\gamma$  and the "at least six degrees" subject matter was disclosed in the original application.

Although Applicants submit that the discharge member is substantially the same as shown in FIGs.4 and 11, Applicants have amended FIG.11 to differentiate element 10 in FIG.4 from element 10' in FIG.11 per the Examiner's request.

Amendments have been made to expedite the prosecution of the elected claims. Corrected drawing sheets in compliance with 37 C.F.R. 1.121(d) have been included in this Response.

#### **Claim Rejections**

##### **35 U.S.C. 102(b)**

The Examiner has rejected claims 1, 13 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,178,570 to Denst et al. (hereinafter "Denst").

Claim 1 has been canceled. Per the Examiner's suggestion, dependent claim 2 has been rewritten in independent form including all of the limitations of the canceled base claim. Therefore, independent claim 2 is allowable. Claims 3-8, 10 and 12 all depend from allowable claim 2 and as such are also allowable.

Applicants have amended independent 13 to more fully describe the claimed subject matter therein. Per the Examiner's suggestion, claim 13 has been rewritten to include the additional limitation disclosed in dependent claim 14. Therefore, claim 13 is allowable. Claim 14 has been canceled. Claims 15 and 16 depend from allowable claim 13 and as such are also allowable.

35 U.S.C 103(a)

The Examiner has rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Denst.

Claim 16 depends from allowable claim 13 and as such is also allowable.

Obviousness-type Double Patenting

The Examiner has rejected claims 1, 13, 15 and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Denst.

Claim 1 has been canceled.

Claim 13 has been amended per the Examiner's suggestion as discussed above and is now non-obvious in view of Denst and thus allowable.


Claims 15 and 16 depend from allowable claim 13 and as such are also allowable.

CONCLUSION

Applicant submits that claims 2-8, 10, 12, 13, 15 and 16 are in condition for allowance, and applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

September 6, 2005

  
\_\_\_\_\_  
Jaye G. Heybl  
Attorney for Applicants  
Registration No. 42,661

Koppel, Jacobs, Patrick, & Heybl  
555 St. Charles Drive, Suite 107  
Thousand Oaks, CA 91360  
Phone 805 373 0060,  
Fax 805 373 0051